

FW: 16-1006

Mark Goyer <mgoyer@bedfordparkpd.com>

Fri 4/29/2016 3:34 AM

cc: Peter Lettiere <plettiere@bedfordparkpd.com>; Michael Nogajewski <mnogajewski@bedfordparkpd.com>;

From: Tamara Cuchna
 Sent: Friday, April 29, 2016 1:45 AM
 To: Mark Goyer
 Subject: 16-1006

On 24 April 2016 at approx. 2126 hrs, I arrested Pedro Mata Ramirez for DUI. Ofc. Pelino was the breathalyzer operator during the course of the arrest. Ofc. Pelino brought Mata Ramirez over to the breathalyzer machine to submit to the breathalyzer test. Mata Ramirez began to suck on the breath tube or instrument during his first opportunity to blow. Ofc. Pelino re-explained the test and that he needed to blow into the machine and not suck on the mouth piece. The assisting female officer from Chicago PD, Ofc. Fontaine, explained to Mata Ramirez in Spanish that he needed to blow into the machine. During the second opportunity to submit to the test, Mata Ramirez took a step back or away from the machine as if he didn't want to do it. As Mata Ramirez backed up from the breathalyzer, Ofc. Pelino then grabbed Mata Ramirez by the back of the shirt and neck and forcibly pushed him towards the machine. Ofc. Pelino continued to hold Mata Ramirez by the neck and pushed the tube/mouth piece for the breathalyzer towards his mouth. I was uncomfortable with the situation since Ofc. Pelino was yelling at him to blow, blow, blow. Ofc. Pelino seemed to get increasingly irritated or angry with Mata Ramirez. Ofc. Pelino even began to slightly tremble or shake with anger when he was yelling at the arrestee.

Ofc. Pelino continued to hold on to Mata Ramirez until the arrestee told him that he wasn't going to submit to the test. Ofc. Pelino kept yelling at him that the machine was going to time out. The situation became increasingly uncomfortable since Ofc. Pelino was yelling at him to take the test, Ofc. Fontaine was trying to translate in Spanish in a hurry, and Mata Ramirez was getting upset. Eventually, the breathalyzer test resulted in a refusal. At one point, I made eye contact with the Chicago Police officers to gauge their reaction to Ofc. Pelino's actions and they seemed indifferent to what had transpired.

Mata Ramirez was then escorted back to the holding cell. Mata Ramirez told Ofc. Fontaine in Spanish, which was translated to the both of us, that Mata Ramirez did not submit to the breathalyzer because Ofc. Pelino was physically forcing him to do it.

In hindsight, I was concerned about the fact that Ofc. Pelino forcibly tried to get Mata Ramirez to submit to the breathalyzer test and what would happen in court or the ramifications of Ofc. Pelino's actions by putting his hands on Mata Ramirez.

In addition, during the course of the 20 minute observation, Mata Ramirez kept spitting on the floor of the holding cell. If I remember correctly from the previous DUI training, I thought that re-set the 20 minute observation. Ofc. Pelino and Ofc.

5/8/2016

Fontaine told Mata Ramirez numerous times to stop spitting on the holding cell floor. I am not sure if that would or would not effect the out come of the arrest if it went to trial and the 20 minute observation was challenged.

My intention for reporting Sunday's situation is not to get Ofc. Pelino into trouble. I am just concerned about working with him if these types of situations reoccur.

Hopefully the video of the police department's lock up will speak for itself in regards to Ofc. Pelino's actions.

Ofc. Tamara Cuchna #59

BEDFORD PARK POLICE DEPARTMENT

MEMORANDUM

To: Chief Godfrey
From: Lt. Lettiere #36
Date: May 8, 2016
Re: Officer Pelino

On May 7, 2016 at 1810 hours, I had the opportunity to meet with Officer Pelino regarding incident 16-1006. The following is a summary of our conversation.

I began our conversation by advising Officer Pelino that I was instructed to conduct an informal inquiry into his actions as a breathalyzer operator on a DUI arrest that had occurred on April 24th, 2016. I asked Officer Pelino if he could describe his involvement in the booking room as an assist officer on this particular arrest.

Officer Pelino advised that he did recall this particular arrest but wanted to know what this inquiry was in regards to. I again asked if he could explain what took place in the booking room on this night.

Officer Pelino advised that he had prepared the breathalyzer for a breath sample on the arrested subject. On the first attempt, the subject blew wrong and was actually sucking from the breath tube. This caused the breathalyzer to respond with an insufficient breath sample reading. The breathalyzer then began to reset for a second attempt. While this was occurring, the subject moved back away from the breathalyzer (either on his own or stumbling back) as he was speaking in Spanish to a Chicago Police Officer who was on scene assisting as a translator. Officer Pelino advised he was unaware of what the subject was saying at this time.

As the breathalyzer was ready to receive a second attempted breath sample from the subject, Officer Pelino advised that he placed his hand on the subject's upper back in an attempt to move the subject back closer to the breathalyzer for another breath sample. Officer Pelino advised that he (himself) never moved away from the counter. The subject continued speaking to the Chicago Police Officer in Spanish. The Chicago Police Officer then advised Officer Pelino the subject was saying (in Spanish) that "he knows not to blow" and "he is being forced to blow". At this point Officer Pelino advised he pressed the "R" key on the keyboard to indicate a refusal.

Officer Pelino advised me that there should be video of this.

I advised Officer Pelino that there has been an allegation that he forcefully grabbed the arrestee's neck and pushed him towards the breath tube in order to provide a breath sample. Officer Pelino refuted this and stated he only placed his hand on the subjects "upper back" due to the short height of the subject.

I also asked Officer Pelino if he had any knowledge that the subject intended to refuse a breath sample prior to the Chicago Police Officer advising that "he knows not to blow" and "he is being forced to blow". Officer Pelino advised that he did not.

Officer Pelino stated that he would want to know who made this allegation because he has a right to know as a union member. I did not advise Officer Pelino as to the origin of the allegation at this time.

This concluded our conversation. Nothing further at this time.

-Lt. Lettiere #36

BEDFORD PARK POLICE DEPARTMENT

MEMORANDUM

To: Chief Godfrey
From: Lt. Lettiere #36
Date: May 10, 2016
Re: Officer Pelino

On May 7, 2016 at 1810 hours, I had the opportunity to meet with Officer Pelino regarding incident 16-1006. The following is a summary of our conversation.

I began our conversation by advising Officer Pelino that I was instructed to conduct an informal inquiry into his actions as a breathalyzer operator on a DUI arrest that had occurred on April 24th, 2016. I asked Officer Pelino if he could describe his involvement in the booking room as an assist officer on this particular arrest.

Officer Pelino advised that he did recall this particular arrest but wanted to know what this inquiry was in regards to. I again asked if he could explain what took place in the booking room on this night.

Officer Pelino advised that he had prepared the breathalyzer for a breath sample on the arrested subject. On the first attempt, the subject blew wrong and was actually sucking from the breath tube. This caused the breathalyzer to respond with an insufficient breath sample reading. The breathalyzer then began to reset for a second attempt. While this was occurring, the subject moved back away from the breathalyzer (either on his own or stumbling back) as he was speaking in Spanish to a Chicago Police Officer who was on scene assisting as a translator. Officer Pelino advised he was unaware of what the subject was saying at this time.

As the breathalyzer was ready to receive a second attempted breath sample from the subject, Officer Pelino advised that he placed his hand on the subject's upper back in an attempt to move the subject back closer to the breathalyzer for another breath sample. Officer Pelino advised that he (himself) never moved away from the counter. The subject continued speaking to the Chicago Police Officer in Spanish. The Chicago Police Officer then advised Officer Pelino the subject was saying (in Spanish) that "he knows not to blow" and "he is being forced to blow". At this point Officer Pelino advised he pressed the "R" key on the keyboard to indicate a refusal.

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I also asked Officer Pelino if he had any knowledge that the subject intended to refuse a breath sample prior to the Chicago Police Officer advising that "he knows not to blow" and "he is being forced to blow". Officer Pelino advised that he did not.

Officer Pelino stated that he would want to know who made this allegation because he has a right to know as a union member. I did not advise Officer Pelino as to the origin of the allegation at this time. This concluded our conversation.

I had the opportunity to review a copy of the booking room video from the night in question as provided to me by Deputy Chief Wahl. Be it known that one of the cameras in the booking room was inoperable on that night. The

video showed Officer Pelino and the arrestee at the booking room counter where the breathalyzer machine is located. They are visible, but off to the very far left of the camera's view. At no time during the breathalyzer procedure was I able to observe Officer Pelino grab the neck of the arrestee as stated in the complaint, although as stated before, they were partially off-camera left.

Based on my conversation with Officer Pelino and based on the inconclusive booking room video provided to me, I find this allegation to be "Not Sustained", where there is insufficient evidence to prove or disprove the allegation, per Bedford Park Rule and Regulations, Section 30.10-(B).

Lt. Lettiere #36

-Lt. Lettiere #36